



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,281	01/13/2004	Dong-yul Lee	1793.1124	1627

21171 7590 10/21/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

CHAN, WING F

ART UNIT	PAPER NUMBER
----------	--------------

2643

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/755,281

Applicant(s)

LEE, DONG-YUL

Examiner

Wing F. Chan

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31 is/are allowed.
- 6) ☒ Claim(s) 1,13,14,23-28,30,32 and 33 is/are rejected.
- 7) ☒ Claim(s) 2-12,15-22 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 23-25, 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 is vague and indefinite in that "the seventh control signal" lacks antecedent basis and is not in proper order in that there is no first to sixth control signal recited in claim 14. The claim dependency of this claim is apparently incorrect.

Claim 25 is vague and indefinite for depending on itself.

Claim 24 is vague and indefinite for depending on claim 25.

As claim 33, "the phone number" lacks antecedent basis. It appears that claim 33 should depend from claim 31, which recited a phone number is received from the caller, to be correct. Appropriate correction is required.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 14, 27, 28, 30, 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujino (JP 05-292291).

As to claims 1, 14, 30, 32, Fujino discloses a method and apparatus for urgently receiving data via facsimile comprising determining whether an urgent transmission of data is demanded by a second party (e.g. data '001', i.e. priority, of an user/user

Art Unit: 2643

information component UU1 is used to indicate degree of urgency of the facsimile, see abstract) previously determined to be capable of urgent communication, and when the first party is in communications with another party to interrupt the on-going communication when data '001' is received and to receive the urgent fax from the second party.

As to claims 27, 28, note that the data '001' is received and determined during on-going communications.

5. Claims 1, 14, 27, 28, 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukuda (JP 03-278641).

As to claims 1, 14, 30, Fukuda discloses a method and apparatus for urgently receiving data via facsimile comprising determining whether a priority mode designation is set indicating an urgent transmission of data is demanded by a second party (FAX 2). Note that the priority mode is used to indicate that the caller is previously determined to be capable of urgent communication, and when the first party (FAX 3) is in communications with another party to interrupt the on-going communication when priority mode is set and detected and to receive the urgent fax from the second party (FAX 2).

As to claims 27, 28, note that the priority mode designation is received and determined during on-going communications.

Art Unit: 2643

6. Claims 13, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujino.

Fujino differs from the claimed invention in not disclosing the first on-going communication is a telephone call, however it is old and well known in the art that a facsimile device is capable of making telephone calls, thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujino's on-going communication to comprising telephone call such that urgent facsimile communication can still and also be made during on-going telephone calls in addition to on-going facsimile calls.

7. Claims 13, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda.

Fukuda differs from the claimed invention in not disclosing the first on-going communication is a telephone call, however it is old and well known in the art that a facsimile device is capable of making telephone calls, thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fukuda's on-going communication to comprising telephone call such that urgent facsimile communication can still and also be made during on-going telephone calls in addition to on-going facsimile calls

8. Applicant's arguments filed 8/17/05 have been fully considered but they are not persuasive.

Applicant's remarks regarding Fujino is not persuasive. In Fujino through the reception and recognition of data '001', i.e. priority, the second party is "previously determined to be capable of urgently receiving the data" is demanding an urgent transmission.

9. Claim 31 is allowed.

10. Claims 2-12, 15-22, 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wing F. Chan whose telephone number is 571-272-7493. The examiner can normally be reached on Monday to Friday from 9 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 10/755,281

Page 6

Art Unit: 2643

you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Wing F. Chan', written in a cursive style.

Wing F. Chan
Primary Examiner
Art Unit 2643

10/19/05